

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

ROBERT SWAPSY,

Plaintiff,

v.

Case No. 09-cv-577-JPG

GARY L. KNOBLETT,
C/O at Robinson Correctional Center,

Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Clifford J. Proud's Report and Recommendations ("R & R") (Doc. 21) of October 13, 2010, wherein it is recommended that the Court grant Defendant Gary KnobleTT's Motion for Summary Judgment (Doc. 12), dismiss this matter with prejudice, and direct the Clerk of Court to enter judgment accordingly.

After reviewing a report and recommendation, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, neither party has filed an objection to Magistrate Judge Proud's R & R. The Court has reviewed the R & R for clear error and finds that it is not clearly erroneous. As such, the Court **ADOPTS** the R & R (Doc. 21) in its entirety, whereby the Court **GRANTS** KnobleTT's Motion for

Summary Judgment (Doc. 12), **DISMISSES** this action **with prejudice**, and **DIRECTS** the Clerk of Court to enter judgment accordingly. The Court **DENIES as moot** Knoblett's Motion to Stay Discovery (Doc. 22).

IT IS SO ORDERED
DATED: November 17, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE